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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HEWITT, JAMES M

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3679

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/565,437	Applicant(s) OESTERGAARD ET AL.	
	Examiner JAMES M. HEWITT	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/18/09, 6/19/09 and 1/25/10.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-29 is/are pending in the application.
- 4a) Of the above claim(s) 18-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 29 is/are rejected.
- 7) ☒ Claim(s) 7-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 18-28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the two or more coupling devices in a multi-bore arrangement (claim 29) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The preamble of claim 29 recites "A multi-bore arrangement *for simultaneous connection of two or more coupling devices, each coupling device comprising:*" The body of the claim posits limitations for the coupling devices. From the phrasing of the preamble, it is unclear as to what is actually being claimed as the multi-bore arrangement. The coupling devices are only functionally claimed in the preamble and also throughout the body of the claim.

For examination purposes, the multi-bore arrangement has been considered to include the coupling devices.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Beckershoff (EP 0040268).

With respect to claim 1, Beckershoff discloses a hydraulic coupling device: comprising: a male coupling part in the form of a sealing element comprising a hollow body of metallic material with a first male sealing member (3) formed at a first end of the body and a second male sealing member (3) formed at a second end of the body opposite said first end; a first female coupling part (9) provided with a first female sealing member (10) and having an internal bore (8) extending through the coupling part and its female sealing member; and a second female coupling part (9) provided with a second female sealing member (10), wherein the first male sealing member has an external spherical contact surface designed for mating with a corresponding internal conical contact surface of the first female sealing member so as to form a fluid-tight seal between the first male sealing member and the first female sealing member when their contact surfaces are pressed

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against each other; wherein the second male sealing member has an external spherical contact surface designed for mating with a corresponding internal conical contact surface of the second female sealing member so as to form a fluid-tight seal between the second male sealing member and the second female sealing member when their contact surfaces are pressed against each other; wherein the body is provided with an intermediate member (corrugations 2), which forms a continuous part together with the first and second male sealing members and which is mechanically compressible so as to be capable to store elastic energy when the body is subjected to axial compression; and wherein an internal bore extends through the body and through the first and second male sealing members and the intermediate member, the spherical contact surface of the respective male sealing member surrounding said internal bore.

With respect to claim 2, Beckershoff discloses a hydraulic coupling device according to claim 1, wherein the first male sealing member is coaxial with the second male sealing member.

With respect to claim 3, Beckershoff discloses a hydraulic coupling device according to claim 1, wherein the intermediate member is expandable by an internal fluid pressure in the body so as to urge the respective male sealing member outwards in the axial direction

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of the body against the corresponding female sealing member when the sealing element is fitted between said female sealing members, thereby increasing the sealing contact pressure between the respective male sealing member and the corresponding female sealing member.

With respect to claim 4, Beckershoff discloses a hydraulic coupling device according to claim 3, wherein the intermediate member has an internal cross-sectional area which is larger than the external cross-sectional area of the respective male sealing member as seen at the point of the male sealing member where the male sealing member is designed to engage with the corresponding female sealing member.

With respect to claim 6, Beckershoff discloses a hydraulic coupling device according to claim 1, wherein the second female coupling part has an internal bore extending through the coupling part and its female sealing member.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beckershoff.

As described in the above rejection of claim 1, Beckershoff discloses the coupling device as claimed in claim 29, with the exception that there is more than one coupling device. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ another one of Beckershoff's couplings between two other fluid-carrying machine parts in the cooling system, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

Allowable Subject Matter

Claims 7-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 2/18/09 have been fully considered but they are not persuasive.

In response to Applicant's assertion that unity of invention exists in the instant application, Examiner still disagrees. As the common matter (i.e. the seal) in independent

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claims 1 and 18 is known, as evidenced by Beckershoff (EP 0040268), there is a lack of unity *a posteriori* since the seal is not a technical feature that defines a contribution over the prior art.

Note that claim 28 remains withdrawn. In the 7/23/08 election, Applicant identified claims 1-17 to correspond to the elected species. The restriction requirement was made final in the 9/18/08 office action.

As to Applicant's arguments with respect to the 102 rejection in view of Beckershoff, at the outset it should be noted that much of what Applicant argues is not actually claimed.

As to Applicant's argument that Beckershoff's coupling is not metal, Examiner points to the cross-hatching used for Beckershoff's coupling, which corresponds to metal. Also, it should be noted that such bellows are often and usually metal.

As to Applicant's argument that Beckershoff does not disclose the limitation "a single, disc shaped intermediate member...that is mechanically compressible so as to be capable of storing elastic energy when the body is subjected to axial compression", Examiner disagrees. Beckershoff's coupling is considered capable of being compressed so as to be capable of storing elastic energy when the body is subjected to axial compression. The nature of Beckershoff's device is to be resilient and thus compressible, and as such it is considered capable of storing elastic energy during compression.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES M. HEWITT whose telephone number is (571)272-7084. The examiner can normally be reached on M-F, 930am-600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James M Hewitt/
Primary Examiner, Art Unit 3679